

Rec'd 5-25 pm
3/4/09



**AMERICAN CIVIL LIBERTIES UNION
of CONNECTICUT**

2074 Park St., Suite L
Hartford, CT 06106
860-523-9146

Good afternoon Senator McDonald, Representative Lawlor and members of the Judiciary Committee. My name is Andrew Schneider and I'm Executive Director of the ACLU of Connecticut. I am here today to express our support for Raised Bill no. 6578, An Act Concerning the Penalty For A Capital Felony. Capital punishment, the ultimate denial of civil liberties, is a costly irreversible and barbaric practice, the epitome of cruel and unusual punishment. It's implementation is grotesquely unfair and it does not deter crime.

Regardless of one's viewpoint about the morality or constitutionality of the death penalty, most people would agree that if we are going to continue executing people in the U.S., we should be doing it fairly and rationally. However, three factors, unrelated to the crime itself greatly influence who gets executed and who does not: race, geography, and poverty.

In Connecticut, seven out of ten or 70 percent of death row inmates are African-American or Latino. Whereas only 9 percent of Connecticut's population is African-American and 10 percent is Latino. In fact, the racial disparity of our death row is much higher than that of the country as a whole. The most important factor in levying the death penalty, however, is the race of the victim. Those who kill a white person are more likely to receive the death penalty than those who kill an African-American person or Latino person.

Sadly, where you live often determines where you die. Whether someone convicted of a capital crime receives a death sentence depends not just on the state they live in but also the county in which the trial and conviction takes place. Some prosecutors are more zealous in seeking the death penalty than others. This pattern exists in Connecticut with a higher representation of people on death row from the Waterbury and Hartford areas than other areas.

Most capital-crime defendants are indigent when arrested and cannot hire their own counsel. Wealthy people who can afford a private attorney are generally spared the death penalty, no matter how heinous their crimes. Poor people do not have the same opportunity to buy their lives.

Social Science research has discredited the claim that execution deters murder. The majority of murders are committed in the heat of passion, and/or under the influence of alcohol or drugs, when there is little thought given to the possible consequences of the act. States that have death penalty laws do not have lower murder rates than states without such laws. And states that have abolished capital punishment or reinstituted it, show no significant changes in either crime or murder rates.

The irreversibility of the death penalty is especially significant in light of the percentage of innocent people put on death row in recent times throughout the country. In the last 35 years, 130 people have been released from death row with evidence of their innocence. From 1973-1999, there was an average of 3.1 exonerations per year. From 2000-2007 there has been an average of 5 per year.

Capital punishment costs our state lots of money we cannot afford - much more than keeping someone in prison for life without parole – and Connecticut has carried out only one death sentence in the last four decades, it seems like a high price for a system we rarely use.

So it is with good reason that other states are starting to seriously consider abolishing their death penalty. New Jersey just did so last year and in New Mexico and Montana, abolition bills have a strong chance of passage. It's time for Connecticut to do the same.

Thank you.